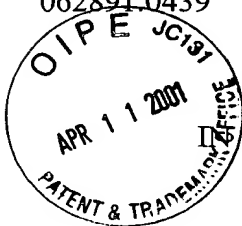


ATTORNEY DOCKET  
062891.0439

PATENT  
09/741,115

1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael H. Capon, et al.  
Serial No.: 09/741,115  
Filing Date: December 19, 2000  
Title: METHOD AND APPARATUS FOR  
PROVIDING VARIABLE ATTENUATION  
TO DATA SIGNALS IN AN XDSL  
FREQUENCY RANGE

Honorable Assistant Commissioner  
of Patents  
Washington, D.C. 20231

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail number EL 759176868 US in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown below. <i>Willie Filer</i>  <i>April 11, 2001</i> Date
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**RESPONSE TO NOTICE TO FILE MISSING PARTS**

In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 28, 2001, Applicants respectfully submit the following.

Enclosed herewith for filing in the above-identified patent application are the following documents:

1. A copy of the Notice to File Missing Parts of Nonprovisional Application dated February 28, 2001;
2. A check in the amount of \$130.00 in payment of the large entity surcharge for missing parts under 37 C.F.R. § 1.16(e);
3. Petition to Make Application for Patent Under 37 C.F.R. § 1.47(a);

4. A copy of a Declaration and Power of Attorney executed by joint inventor Robert A. Marshall (attached as Exhibit C to the Declaration of Facts Pursuant to 37 C.F.R. § 1.47(a) also attached);

5. A check in the amount of \$130.00 to cover the Petition filing fee;

6. Declaration of Facts Pursuant to 37 C.F.R. § 1.47(a) with attached Exhibits A-E;

7. Assignment executed by Robert Marshall on December 7, 2000 with attached Assignment Cover Sheet;

8. A check in the amount of \$40.00 to cover the assignment recordal fee for the Assignment of Robert A. Marshall;

9. Proprietary Information and Invention Agreement as an Assignment executed by Michael H. Capon on November 10, 1998 with attached Assignment Cover Sheet; and

10. A check in the amount of \$40.00 to cover the assignment recordal fee for the Assignment of Michael H. Capon.

Applicants believe that all necessary items have now been forwarded to the U.S. Patent and Trademark Office for filing in the above identified patent application.

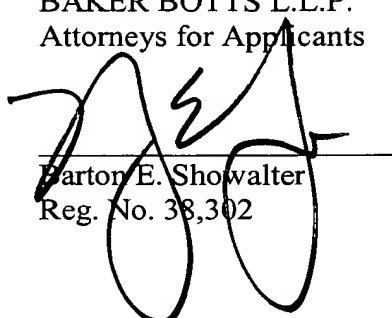
Applicants believe that no other fees are due, however, if there is any discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants

Date:

April 11, 2001

  
Barton E. Showalter  
Reg. No. 38,302

CORRESPONDENCE ADDRESS:

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Page 1 of 1

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/741,115	12/19/2000	Michael H. Capon	062891.0439

CONFIRMATION NO. 6419

FORMALITIES LETTER



Barton E. Showalter  
Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, TX 75201-2980

Date Mailed: 02/28/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Michael H. Capon*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY